

TESTIMONY AND PROCEEDINGS
IN RE: SERGEANT L. M. HARTWELL

September 29, 2005

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BEFORE THE
CITY OF MONTGOMERY FIRE DEPARTMENT
DISCIPLINARY REVIEW BOARD
MONTGOMERY, ALABAMA

PLAINTIFF'S
EXHIBIT

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IN RE: SERGEANT L. M. HARTWELL

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TESTIMONY AND PROCEEDINGS taken before
the Montgomery Fire Department Disciplinary
Review Board, at Montgomery City Hall, 14 Madison
Avenue, Montgomery, Alabama, on Thursday,
September 29, 2005, commencing at approximately
9:10 a.m., and reported by Mallory N. McCutchin,
Court Reporter and Commissioner for the State of
Alabama at Large.

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<p>1 and the assurance that those orders are 2 carried out.</p> <p>3 Sergeant Hartwell, in the absence of his 4 company officer, for instance, when the 5 officer is on vacation, sick leave, or 6 detailed to another station for a period of 7 time, will find himself, Sergeant Hartwell, 8 assuming the role of a company officer, 9 giving orders and making sure they are being 10 carried out. When Sergeant Hartwell refuses 11 to carry out orders given by his company 12 officers and district chiefs, I'm convinced 13 that as a working supervisor, he will be 14 ineffective in giving orders in that role, 15 jeopardizing the lives of firefighters and 16 citizens of Montgomery when engaged in 17 emergency situations.</p> <p>18 After reviewing all the documents and 19 going through extensive interviews with 20 District Chief Gordon and others, I am 21 recommending Sergeant Lee Marvin Hartwell be 22 demoted from Sergeant/Engineer to 23 Firefighter. And I close by saying, Your</p>	<p>1 do you have any questions for Chief Walker 2 prior to this witness entering the room?</p> <p>3 CHIEF YELDER: No.</p> <p>4 CHIEF DAVIS: Chief Bolling?</p> <p>5 CHIEF BOLLING: No, sir. No.</p> <p>6 CHIEF DAVIS: Captain Sambor, if you 7 will bring Chief Gordon in, please.</p> <p>8 CHIEF BOLLING: Just for the record, 9 also, I don't think it really matters; but I 10 think Chief Walker, when he started off, he 11 addressed Sergeant Hartwell as Lieutenant 12 Hartwell. Did you catch that? Okay. I 13 guess it really matters.</p> <p>14 CHIEF DAVIS: For the record, it is 15 Sergeant Hartwell.</p> <p>16 CHIEF BOLLING: Yeah. I think he first 17 started off Lieutenant Hartwell. Then when 18 he started reading, he said Sergeant 19 Hartwell.</p> <p>20 (Chief Gordon now present)</p> <p>21 CHIEF DAVIS: Chief Gordon, remember 22 that you are under oath. And I would remind 23 you to speak up. I would remind you to speak</p>
<p>1 attention to this recommendation is greatly 2 appreciated; if I can assist you further in 3 this matter, to please let me know.</p> <p>4 That is my recommendation letter and the 5 charges of Sergeant Hartwell to Deputy Chief 6 Jordan.</p> <p>7 CHIEF DAVIS: Okay. And just for the 8 record, the letter that Chief Walker just 9 read is marked as Plaintiff's Exhibit #1.</p> <p>10 Chief Walker, do you have anything else 11 you would like to add before questioning your 12 witness?</p> <p>13 CHIEF WALKER: I would just like to 14 request that the Board take a good look at 15 the evidence that has been presented and the 16 testimony of witnesses that will be given and 17 make an honest and sincere effort -- and I 18 think you will -- to find that these charges 19 are to be sustained.</p> <p>20 CHIEF DAVIS: Anything further before 21 your witness?</p> <p>22 CHIEF WALKER: No, sir.</p> <p>23 THE COURT: Chief Yelder, at this point,</p>	<p>1 up because of the air conditioner.</p> <p>2 CHIEF GORDON: Yes, sir.</p> <p>3 CHIEF DAVIS: Chief Walker.</p> <p>4 CHIEF WALKER: Chief Gordon, I do have a 5 couple of questions to ask of you. And the 6 reason for these questions is to perhaps get 7 the Board to -- to see the big picture in all 8 of this and how this situation got -- has 9 gotten to this point.</p> <p>10 First question is on August 7th, do you 11 recall approaching Sergeant Hartwell 12 concerning him going on sick leave on August 13 4th?</p> <p>14 CHIEF GORDON: Actually, what happened 15 was I notified his officer, which was Captain 16 Wallace, that I needed to talk with him as 17 well as Sergeant Hartwell in conference in -- 18 in Captain Wallace's office.</p> <p>19 CHIEF WALKER: Is Sergeant Hartwell on 20 your shift?</p> <p>21 CHIEF GORDON: No, sir. Sergeant 22 Hartwell is on C shift, and I'm on A shift.</p> <p>23 CHIEF WALKER: So you came in to</p>